



KEENAN

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

ATTEST *Thomas J. Keenan*
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MDL NOS. 1760 AND 1789

#1

MDL-1760 – IN RE Aredia and Zometa Products Liability Litigation
MDL-1789 – IN RE Fosamax Products Liability Litigation

Michele Bard v. Merck & Co., Inc., et al., M.D. Florida, C.A. No. 3:07-601

MDL-1760 CONDITIONAL TRANSFER ORDER (CTO-41)
WITH SEPARATION, REMAND AND
MDL-1789 CONDITIONAL TRANSFER ORDER (CTO-28)

On April 18, 2006, the Panel transferred 27 civil actions to the United States District Court for the Middle District of Tennessee for coordinated or consolidated pretrial proceedings in MDL-1760 pursuant to 28 U.S.C. § 1407. *See* 429 F.Supp.2d 1371 (J.P.M.L. 2006). Since that time, 246 additional actions have been transferred to the Middle District of Tennessee. With the consent of that court, all such actions have been assigned to the Honorable Todd J. Campbell.

On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings in MDL-1789 pursuant to 28 U.S.C. § 1407. *See* 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 63 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the action on this conditional transfer order comprise claims relating to: 1) the prescription drugs Aredia and/or Zometa, which involve common questions of fact with the previously transferred MDL-1760 actions; and 2) the prescription drug Fosamax, which involve common questions of fact with the previously transferred MDL-1789 actions.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Middle District of Tennessee for the reasons stated in the MDL-1760 order of April 18, 2006, and, with the consent of that court, assigned to the Honorable Todd J. Campbell.

The claims in this action relating to Fosamax are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the Middle District of Florida.

A CERTIFIED COPY
 J. MICHAEL McMAHON,

CLERK

BY

DEPUTY CLERK

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), the resulting Fosamax action is transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the MDL-1789 order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

This order does not become effective until it is filed in the offices of: 1) the Clerk of the United States District Court for the Middle District of Tennessee; and 2) the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerks shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery M. Luthi
Clerk of the Panel